

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>JOHN W. PEROTTI,</b>	)	<b>CASE NO. 4:05CV2739</b>
	)	
<b>PLAINTIFF</b>	)	<b>JUDGE PETER C. ECONOMUS</b>
	)	
<b>V.</b>	)	
	)	
<b>JASON MEDLIN, et al.,</b>	)	
	)	<b>ORDER</b>
<b>DEFENDANTS.</b>	)	
	)	

The instant matter is before the Court upon the Interim Report and Recommendation issued by Magistrate Judge George J. Limbert, recommending that the Court DENY Plaintiff's "Motion to Sever Defendants Fritsche, Favre, Sacco, Kauchek, Guzik and John Doe No. 1 & No. 2 from the Other Defendants making a Separate Action so Perotti v. Detective Fritche[sic], Case No. 1:06-CV-1878 can be Dismissed Voluntarily" (Dkt. #89; "Motion to Sever") and his "Motion to Sever and Consolidate Lakewood Detective Defendants with Perotti vs. Lakewood Detective Fritsche et al., Recently Transferred to this Docket," (Dkt. # 91: "Motion to Sever and Consolidate"). (Dkt. # 98).

On March 25, 2008, this Court issued an order assigning this case to Magistrate Judge George J. Limbert for general pre-trial supervision, including all motions. (Dkt.

# 56). On October 27, 2008, the Magistrate Judge issued a Report and Recommendation that the Court DENY Plaintiff's Motion to Sever and Plaintiff's Motion to Sever and Consolidate. (Dkt. # 98). Furthermore, the Magistrate Judge recommends that the most efficient course is for the Court to dismiss Case No. 1:06CV1878 *sua sponte*, as the claims contained in that case are identical to claims presented in the instant case.

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but all parties have failed to timely file any such objections. Therefore, the Court must assume that the parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, the Report and Recommendation of Magistrate Judge Limbert (Dkt. # 98) is hereby **ADOPTED**. Plaintiff's Motion to Sever is **DENIED**. (Dkt. # 89). Plaintiff's Motion to Sever and Consolidate is **DENIED**. (Dkt. # 91).

Furthermore, Perotti v. Fritsche, Case No. 1:06CV1878, shall be **DISMISSED**. The parties in that case shall be governed by the Case Management Conference Order issued in the instant case, including all deadlines for filing motions. See (Dkt. # 79). Accordingly, Defendants Fritsche, Favre, Sacco, Kauchek, and Guzic ("The Lakewood

Detective Defendants”) shall be permitted to file a substitute dispositive motion, as requested in their response to Plaintiff’s Motion to Sever and Consolidate, within thirty (30) days of the date of this Order.

**IT IS SO ORDERED.**

**/s/ Peter C. Economus - January 15, 2009**

**PETER C. ECONOMUS**

**UNITED STATES DISTRICT JUDGE**